

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JEFFREY MORGAN,

Plaintiff,

v.

Civ. No. 21-1139 JHR/GBW

XAVIER BECERRA, *Secretary of the
Department of Health & Human Services,*

Defendant.

ORDER DENYING UNOPPOSED MOTION TO WITHDRAW AS COUNSEL

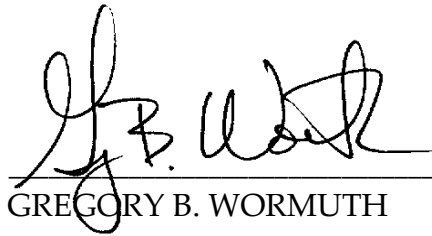
THIS MATTER comes before the Court on Davis Law New Mexico's (Nicholas T. Davis) Unopposed Motion to Withdraw as Counsel. *See doc. 6.* Davis Law New Mexico (Philip B. Davis) entered an appearance on Plaintiff's behalf on November 30, 2021, as the member of the Federal Bar with whom Plaintiff's other counsel, Cloutman & Greenfield, PLLC (Adam Greenfield), was associating pursuant to Local Rule 83.3(a)(1). *See doc. 2.* Nicholas B. Davis (Davis Law New Mexico) replaced Philip B. Davis as Plaintiff's local counsel and the member of the Federal Bar associating with Mr. Greenfield after Philip B. Davis's death. *See doc. 5.* Now, Nicholas T. Davis ("Mr. Davis") seeks to withdraw his and his firm's appearance and association pursuant to an agreement with Cloutman & Greenfield that Cloutman & Greenfield would obtain alternate local counsel within thirty (30) days of Davis Law New Mexico serving Plaintiff's Original Complaint and Jury Demand on Defendant on March 30, 2022. *See*

doc. 6 at ¶¶ 1-6. Having reviewed the Motion, noting Mr. Greenfield's lack of opposition to it, *see id.* at ¶ 10, and being fully advised in the premises, the Court DENIES the Motion.

The Motion does not comply with Local Rule 83.3. This rule requires an attorney who is not a member of the Court's Federal Bar to appear in an action by either obtaining admission to the Federal Bar or associating with a member of this Bar. *See* D.N.M.LR-Civ. 83.3. Where appearance is via association, the Federal Bar member "must ... continue in the action unless another Federal Bar member is substituted." *Id.* (a)(1). As noted earlier, Mr. Greenfield is not a member of the Court's Federal Bar and has appeared by associating with Mr. Davis. *See docs. 2, 5, 6.* To date, no other member of the Court's Federal Bar has been substituted for Mr. Davis. Nor has Mr. Greenfield applied for admission to the Court's Federal Bar pursuant to Local Rule 83.2. Therefore, Local Rules do not allow Mr. Davis to withdraw his and his firm's appearance.

Accordingly, IT IS HEREBY ORDERED that Davis Law New Mexico (Nicholas T. Davis)'s Unopposed Motion to Withdraw as Counsel is DENIED WITHOUT PREJUDICE to its refiling once either Mr. Greenfield has applied for and received admission to the Court's Federal Bar pursuant to Local Rule 83.2 or another member of that Bar has entered an appearance and substituted himself for Nicholas T. Davis (Davis Law New Mexico).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE